

REMARKS

This Reply is in response to the Office Action mailed on December 4, 2006 in which claims 34, 35, 37-42, 44-48 and 58 were allowed; in which claims 10, 11, 14 and 15 were objected to and in which claims 1-9, 12, 13, 16-24, 26-29 and 49-57 were rejected. With this response, claims 1, 7, 36 and 49 are amended. Claims 1-24, 26-29 and 34-42 and 44-58 are presented for reconsideration and allowance.

I. Examiner Interview Summary.

On March 13, 2007, a telephonic interview was held between Examiner Bui and Applicants' attorney, Todd A. Rathe. The rejection of claims 1 and 7 was discussed. The Examiner acknowledged that the present Office Action does not address the amendments to claim 7 or Applicants' arguments with respect to the allowability of claim 7. The Examiner indicated that a non-final office action would be issued to the current response not place the application in condition for allowance.

Applicants further note that although the present response amends both claims 1 and 7, claim 7, as amended, remains identical to claim 7 prior to this amendment since such amendments merely move some of the limitations of dependent claim 7 into base claim 1.

Applicants wish to thank the Examiner for the opportunity to discuss the rejections.

II. Claim Objections

Section 2 of the Office Action objected to claim 36 billion improper dependency. Claim 36 is amended to correctly depend from allowed claim 34.

III. Rejection of Claims 1-9, 12-13, 16-17 and 57 Under 35 U.S.C. § 102(e) Based Upon Smithson.

Section 4 of the Office Action rejected claims 1-9, 12-13, 16-17 and 57 Under 35 U.S.C. § 102(e) as being anticipated by Smithson U.S. Patent 6,193,532. Claims 1-9, 12-13, 16-17 and 57, as amended, overcome the rejection based upon Smithson.

A. Claim 1

Claim 1 is amended to incorporate some of the limitations of former dependent claim 7. Applicants respectfully note that claim 1, as amended, is substantially identical to claim 7 which was presented in the response filed on February 27, 2006. Thus, the amendments to claim 1 would not necessitate a new ground of rejection and would not raise any new issues.

Claim 1 is amended to clarify the "retracted position". Claim 1, as amended, clarifies that "the detent-engaging structure engages the detent to retain the module within the chassis when the handle is in the retracted position and wherein the detent-engaging structure is withdrawn from the detent to permit withdrawal of the module from the chassis when the handle is in the extended position.

As discussed during the Examiner Interview held on March 13, 2007, Smithson does not disclose a handle including at least one opening configured to permit at least one standard hand digit to extend through the least one opening when the handle is in the retracted position, i.e. when the handle is positioned to retain the module within the chassis. In contrast, when service lever 20 is in retracted, retaining position such that carrier 10 is retained within enclosure 17, lever 20 is pivoted in a counterclockwise direction (as seen in Figure 2) to move pin 19 vertically upward in slot 18. This results in opening 23 overlapping and being blocked by guide piece 16 of enclosure 17. As a result, opening 23 is blocked and inaccessible. Accordingly, claim 1, as amended, overcomes the rejection based upon Smithson. Claims 2-9, 12-13, 16-17, and 57 depend from claim 1 and overcome the rejection to the same reasons.

B. Claim 7

Claim 7 depends from claim 1. Claims 7, as amended, recites that the handle pivots between the extended position and the retracted position about an axis and that the detent-engaging structure is configured to extend in a direction non-parallel to the axis into the detent when the handle is in the retracted position.

Smithson fails to disclose a detent-engaging structure that is received within the detent and that extends in a direction non-parallel to an axis about which the handle pivots. In rejecting claims seven, the Office Action characterizes pin 19 as the detent-engaging structure. However, pin 19 extends in a direction parallel to the axis about which lever 20 pivots. Accordingly, claim seven, as amended, overcomes rejection based upon Smithson.

IV. Rejection of Claims 28-29 and 53-55 under 35 USC 103(a) based upon Smithson and Bovell.

Section 6 of the Office Action rejected Claims 28-29 and 53-55 Under 35 U.S.C. § 103(a) as being unpatentable over Smithson in view of Bovell US publication 2003/0161118. Claims 28-29 and 53-55, as amended, overcome the rejection based upon Smithson and Bovell.

Claims 28 and 53 depend from claim 1 and overcome the rejection for the same reasons discussed above with respect to the rejection of claim 1 based upon Smithson alone. Bovell fails to satisfy the deficiencies of Smithson.

Claim 29 depends from claim 1 and overcomes the rejection for the same reasons discussed above with respect to claim 1. Bovell fails to satisfy the deficiencies of Smithson with respect to claim 29. In addition, Smithson, as amended, recites additional features would further patentably distinguish claim 29 over Smithson in view of Bovell.

Claim 29, as amended, recites that the handle pivots between the extended position and the retracted position and during pivoting of the handle from the extended position towards retracted position, the detent and detent-engaging structures are in engagement so as to urge the module into the chassis.

Neither Smithson nor Bovell, alone or in combination, disclose a handle that moved to urge the module into the chassis. In contrast, Smithson merely discloses a lever 20 having a pin 19 which is guided within slot 18 during insertion of carrier 10 into enclosure 17. Smithson further discloses that rotation of lever 20 moves pin 19 in the upwardly extending portion of slot 18 to hold carrier 10 within enclosure 17. (See column 5, lines 7-8 of Smithson). Nowhere does Smithson disclose that lever 20 is ever rotated prior to complete insertion of carrier 10 into enclosure 17. Nowhere does Smithson disclose that rotation of lever 20 assists in insertion of carrier 10 into enclosure 17. Rather, rotation of lever 20 and movement of pin 19 within slot 18 is merely to "hold" carrier 10 within enclosure 17. Thus, even assuming time arguendo, that would be obvious to add the connectors of Bovell to Smithson, the resulting hypothetical combination would still fail to disclose the module recited in claim 29. Accordingly, claim 29, as amended, overcomes the rejection based upon Smithson and Bovell for this additional reason.

V. Rejection of Claims 18-23 and 26-27 under 35 USC 103(a) Based upon Smithson

Section 7 of the Office Action rejected claims 18-23, 26-27, 38-40 and 46 under 35 USC 103(a) as being unpatentable over Smithson. Claims 18-23 and 26-27 depend from claim 1 and overcome the rejection for the same reasons discussed above with respect to the rejection of claim 1 based upon Smithson.

VI. Rejection of Claims 24, 48-52 and 56 Under 35 U.S.C. § 103 Based Smithson and Reiter.

Section 8 of the Office Action rejected 24, 49 -52 and 56 under 35 U.S.C. § 103(a) as being unpatentable over Smithson in view of Reiter et al. US Patent 5,557,499. Claims 24, 49 -52 and 56, as amended, overcome the rejection.

A. Claims 24 and 56

Claims 24 and 56 depend from Claim 1 and overcome the rejection for the same reasons discussed above with respect to the rejection of Claim 1 based upon Smithson. Reiter fails to satisfy the deficiencies of Smithson.

B. Claims 49-52

Claim 49, as amended, recites a method for positioning a module relative to a chassis of a computing device. The method includes pivoting a handle couple to a module from a releasing position to a retaining position in which a portion of the handle engages the chassis to retain the module within the chassis. Claim 49 further recites screwing the handle to at least one of the chassis and an enclosure of the module to retain the handle in the retracted position. Lastly, claim 49 recites inserting a finger through a continuously bounded opening of the handle while the handle is in the retaining position and is screwed to the enclosure.

Neither Smithson nor Reiter disclose or suggest a method wherein a finger isn't inserted through a continuously bounded opening of a handle while a handle is in the retaining position (in which a portion of a handle engages the chassis to retain the module within the chassis) and is screwed to the enclosure. As noted above with respect to the rejection of claim 1 based upon Smithson, opening 23 is blocked and inaccessible once carrier 10 is fully inserted into the enclosure 17 and lever 20 has been pivoted about pivot 21 to position pin 19 in the upper portion of slot 18 so as to hold carrier 10 within enclosure 17 (the retaining position).

As a result, even assuming time arguendo, that would be obvious to modify Smithson based upon Reiter, it would still be physically impossible for one to insert one's finger through opening 23 when lever 20 is in the retaining position (when pin 19 is pivoted to the upper portion of slot 18 to retain carrier 10 within enclosure 17. Accordingly, claim 49, as amended, overcomes rejection. Claims 50-52 depend from claim 49 and overcome the rejection for the same reasons.

VII. Conclusion.

After amending the claims as set forth above, Claims 1-24, 26-29 and 34-42 and 44-58 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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